

Information Paper

DAJA-AL

21 September 2001

Subject: Offers of Gifts to Victims and the Army in the Wake of the Terrorist Attacks on 11 September 2001

1. Purpose. To provide information on the legal issues raised by the numerous offers of gifts to victims and the Army in the wake of the terrorist attacks on 11 September 2001.

2. Victim Relief Efforts.

a. The Army may not officially participate in private victim relief efforts by receiving and distributing cash, gifts, and other support. Official Army endorsement of private victim relief efforts is generally restricted to referring those who wish to donate to victims' funds and charities. Referrals are limited to the Combined Federal Campaign, emergency and disaster appeals approved by the Office of Personnel Management (OPM), and Service relief societies. In this regard, OPM published a consolidated list of special relief funds and national Combined Federal Campaign participating charities involved in relief efforts which is available with points of contact at www.opm.gov/guidance/cfcorgs.htm.

b. Military Victims. Army Emergency Relief ((703) 428-0000) (www.aerhq.org) established "The Pentagon Victims' Fund" to assist Army military victims.

c. Civilian Employees. The Federal Employees Education and Assistance Fund ((303) 933-7580) (www.feea.org) established the "Federal Employees Education and Assistance-World Trade Center/Pentagon Fund" to assist federal civilian employees.

d. DoD Contractors. No fund has been established to specifically assist DoD contractors.

3. Gifts Directly to Family Victims.

a. Due to privacy constraints, absent prior written consent, the Army is prohibited from providing victims' personal information (e.g., name, address, and telephone number) to third parties wishing to contact victims directly with offers of cash, gifts and other support.

b. In order to facilitate the direct communication of third party offers of cash, gifts, and other support to victims, the Casualty Assistance Division, Office of The Adjutant General, will act as the agency lead in processing third party requests for assistance in contacting victims. The Casualty Assistance Officer assigned to each family will act as point of contact for third parties requesting personal information. These personnel, who already have an established relationship with victims, will contact the families and obtain the required written consent prior to providing any information to third parties.

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4. Gifts to the Army.

a. The Secretary of the Army has two statutory gift acceptance authorities (10 USC §2601 and 10 USC §2608). Because of statutory particularities, the Army will process gifts offered in the wake of the terrorist attacks predominantly under 10 USC §2608. Under this authority, the Secretary may accept contributions from friendly persons, businesses or international organizations as follows.

(1) DA may retain and use non-monetary contributions.

(2) DA must deposit monetary contributions into the Defense Cooperative Account and may not use them until Congress reappropriates them back to DA.

b. On 17 September 2001, the Secretary issued a blanket acceptance of all unrestricted or unconditional gifts of perishable items and all other non-monetary items valued at \$100,000 or less. This acceptance is limited to gifts proffered to assist the Army as a result of the attacks. Such items may be received by the command or organization to which they are offered, to be integrated and utilized as necessary. Commands or organizations receiving such gifts will report all gift items received to The Adjutant General, ATTN: TAPC-PDO-IP, 200 Stovall Street, Alexandria, VA 22332-0470. The report will contain: (1) the date the gift was proffered; (2) description of the gift; (3) dollar value of the gift; (4) name of the contributor; and (5) use of the item, if other than perishable food items. Reports may be submitted electronically to davisj@hoffman.army.mil.

c. Commands and organizations will process gifts offered with restrictions, conditions, a value over \$100,000, and all other gifts that are excluded from the Secretary's blanket acceptance using established gift acceptance procedures. Specifically, the prospective donor provides a written gift proffer through the accepting command or organization to The Adjutant General, ATTN: TAPC-PDO-IP, who staffs it for review by the Office of The Judge Advocate General and the Office of the General Counsel, and concurrence by the Deputy Chief of Staff for Personnel, the Assistant Secretary of the Army (Installations and Environment), the Assistant Secretary of the Army (Manpower and Reserve Affairs), and the Chief of Staff, Army, for approval by the Secretary. Once approved, the gift is accepted and used by the accepting command or organization.

d. Direct questions on either the established or blanket acceptance procedures to LTC Bellamy and Mr. Jim Davis, U.S. Army Total Personnel Command (703-325-4530/4648).

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Approved by: _____